

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

CHRISTOPHER DENDY,

Plaintiff,

v.

OS RESTAURANT SERVICES, LLC
D/B/A CARRABBA'S ITALIAN
GRILL, INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COMES NOW, Christopher Dendy ("Plaintiff") by and through his undersigned counsel, and files this Complaint for Damages against Defendant OS Restaurant Services, LLC d/b/a Carrabba's Italian Grill, Inc. ("Defendant"), and shows the Court as follows:

NATURE OF COMPLAINT

1.

Plaintiff brings this action for damages, and reasonable attorney fees against OS Restaurant Services, LLC d/b/a Carrabba's Italian Grill, Inc., specifically the 10409 Abercorn St. Savannah, GA 31419 location, for violations of his rights under the Civil Rights Act of 1991, 42 U.S.C. § 1981, et. seq. ("Section 1981").

JURISDICTION AND VENUE

2.

Plaintiff invokes the jurisdiction of this court pursuant to 28 U.S.C. §§ 1331, 28 U.S.C. §§ 1343, and 42 U.S.C. § 1981.

3.

The unlawful employment practices alleged in this Complaint were committed within this district. In accordance with 28 U.S.C. § 1391, and 42 U.S.C. §1981, venue is appropriate in this Court.

PARTIES

4.

Plaintiff is a Black or African American citizen of the United States of America and is subject to the jurisdiction of this Court.

5.

At all times relevant, Defendant was qualified and licensed to do business in Georgia, and at all times material hereto has conducted business within this District.

6.

Defendant may be served with process by delivering a copy of the summons and complaint to its Registered Agent, Corporate Creations Network, Inc., at 2985 Gordy Pkwy, 1st Floor Marietta, GA 30066.

FACTUAL ALLEGATIONS

7.

Plaintiff began working for Defendant on or about October 18, 2018, as a bartender and server. Plaintiff is African American and black in color.

8.

Plaintiff bartended nearly every Sunday for the past two to three years leading up to March 2022.

9.

In approximately early March 2022, Plaintiff noticed changes to his schedule. Specifically, Plaintiff was either scheduled to work Sundays as a server, or not scheduled to work Sundays at all, which were both changes that adversely affected his compensation. The bartending position on Sunday shifts was one of the most lucrative positions with this employer. Plaintiff was being replaced in the bartending shift by a white employee.

10.

On or about March 11, 2022, Plaintiff asked his manager, Dequan Thomas (“Thomas”), about the changes and was told that Randy Barr (“Barr”), the Senior Manager, made the changes.

11.

Plaintiff asked Barr about the changes, but Barr denied knowing anything about the schedule changes and commented Plaintiff was an excellent employee.

12.

On or about Thursday, March 17, 2022, Plaintiff reported to work for his double shift. While there he asked Barr about the schedule changes again. After Thomas arrived, the three (3) men discussed the changes. Barr now claimed that because Plaintiff had called out twice previously, the schedule alterations were made. Plaintiff reminded them of other white servers and bartenders who had called off, but their schedules were not changed. Plaintiff further stated that he felt he was being racially discriminated against.

13.

Plaintiff reminded Randy that both times, he ensured his shifts were covered. In addition, several white servers and bartenders called off more frequently than him, yet their schedules were not changed.

14.

A few hours after the meeting, Barr and another manager called to terminate Plaintiff.

15.

Any reason given for Plaintiff's termination is pre-text for unlawful retaliation in response to Plaintiff's protected activity.

16.

As a result of Defendant's actions, Plaintiff has suffered damages, including lost wages and emotional distress.

CLAIMS FOR RELIEF

COUNT I: VIOLATION OF 42 U.S.C. § 1981

(RETALIATION)

17.

Plaintiff reincorporates by reference paragraphs 7-16.

18.

Plaintiff engaged in protected conduct when he complained about race- and color-based based discrimination.

19.

Defendant subjected Plaintiff to adverse action (to wit, termination) because of his protected conduct. The adverse action to which Plaintiff was subjected would dissuade a reasonable employee from making or supporting a charge of discrimination.

20.

There was a causal connection between the protected conduct and the adverse action.

21.

As a direct and proximate result of these actions, Plaintiff has suffered economic and non-pecuniary damages.

22.

Defendant acted with malice and/or reckless indifference to Plaintiff's federally protected rights by retaliating against him for exercising such rights.

23.

Plaintiff is entitled to punitive damages, lost wages and benefits, compensatory damages, attorneys' fees and costs, prejudgment interest, reinstatement or front pay in lieu thereof, and any other relief available under the law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays the court for judgment and relief as follows:

- (a) General damages for mental and emotional suffering caused by Defendant's unlawful conduct;

- (b) Punitive damages based on Defendant's willful, malicious, intentional, and deliberate acts, including ratification, condonation, and approval of said acts;
- (c) Damages for lost wages and benefits and prejudgment interest thereon;
- (d) Reasonable attorneys' fees and expenses of litigation;
- (e) Trial by jury as to all issues so triable;
- (f) Prejudgment interest at the rate allowed by law;
- (g) Declaratory relief to the effect that Defendant has violated Plaintiff's statutory rights;
- (h) Injunctive relief of reinstatement, or front pay in lieu thereof, and prohibiting Defendant from further unlawful conduct of the type described herein; and
- (i) All other relief to which he may be entitled.

Respectfully submitted, this 17th day of May 2022.

BARRET & FARAHANY

s/ V. Severin Roberts
V. Severin Roberts
Georgia Bar No. 940504

Attorney for Plaintiff

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